

25. The method of claim 26, wherein the withdrawing [passing] step comprises:
sampling the agent by a method selected from the group consisting of reverse
electrotransport, passive sampling, and osmosis.

REMARKS

Currently pending are claims 1-8, 10-21, and 23-29. No claims have been cancelled and no new claims have been added by the present amendment.

A. Claim Objections

The Examiner has objected to claim 25 because of informalities in the claim language. Claim 25 has been amended in order to make a minor grammatical correction. Applicants assert that the claim is now in proper form and respectfully requests that the objection be withdrawn.

B. Claim Rejection under § 112, second paragraph

The Examiner has rejected claim 25 because there is no antecedent basis for "the passing step". Claim 25, which is dependent from claim 26, has been amended to now make reference to a "withdrawing" step which does have antecedent basis in claim 26. Applicants respectfully request that the rejection of claim 25 under § 112 be withdrawn.

C. Rejection based upon 35 U.S.C. § 102 in view of Lee, EPO 0 429 842

The examiner asserts that the Lee reference, EPO 0 429 842 anticipates the present invention. In particular, the Examiner has asserted that the member in applicants' claims can be interpreted broadly. Even broadly enough that "... the Lee device as a whole reads on the member."

Applicants assert that this interpretation is logically impossible. If the whole Lee device were to be considered the member, then how can any part of it be proximal or distal to itself?

The Examiner asserts that the skin needle support 5 of the Lee disclosure does not have to be the member as is provided for in the Applicants' claims. Applicant asserts that no reasonable claim interpretation can come to any conclusion other than skin needle support 5 equates to the Applicants' claim member.

Applicants' claims provide for a plurality of protrusions extending from said body surface proximal side of the member. The only element in Lee's disclosure than can equate to Applicants' member is the skin needle support 5. No other element has any protrusions extending therefrom.

And because Lee does not disclose any connecting member on the same body proximal side of the skin needle support, all elements of Applicants' claims are not provided for in the Lee reference.


Applicant respectfully requests that the § 102 rejection over Lee be withdrawn.

As all objections and rejections put forth by the examiner have been addressed by

the amendments to the claims provided herein and by the remarks provided, Applicants respectfully assert that the application is in condition for allowance, notice of which is earnestly solicited.

Respectfully submitted,

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